REMARKS

This is a Response to the Notice of Panel Decision from Pre-Appeal Brief Review mailed March 17, 2006, in which a one (1) month Shortened Statutory Period for Response was set and which expired on April 17, 2006. Enclosed is our check to cover the fee for a two-month extension of time, to June 17, 2006. Thirty (30) claims, including six (6) independent claims, were paid for in the application. Claims 1-17 and 19-30 are canceled. Claim 18 is currently amended. New claims 31-49 have been added. No new matter has been added to the application. No fee for additional claims is due by way of this Amendment. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090. Upon entry of the amendments herewith, claims 18 and 31-49 are pending.

1. Request for Continued Examination

In accordance with 37 U.S.C. 1.114, a Request For Continued Examination is filed concurrently with this Response to the Notice of Panel Decision from Pre-Appeal Brief Review so that the Final Office Action mailed June 27, 2005, is effectively made non-final.

2. Rejections Under 35 U.S.C. § 103(a)

In the Office Action, at paragraph 4, claims 1-6, 11-13, and 16-26 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Philyaw et al.* (U.S. Patent 6,745,234), hereinafter *Philyaw*, in view of *Bvirupax M. Nerlikar* (U.S. Patent 5,629,981), hereinafter *Nerlikar*. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, *e.g.*, *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

a. Claim1-6, 11-13, 16-17, 19-26

Claims 1-6, 11-13, 16-17, and 19-26 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

b. Claim 18

Applicants respectfully submit that claim 18, as amended, is allowable for at least the reason that the proposed combination of *Philyaw* in view of *Nerlikar* does not disclose, teach, or suggest at least the feature of "constructing a URL from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier and the UCC item identifier constructed as 'www.company identifier'.com/'item identifier,'" as recited in claim 18.
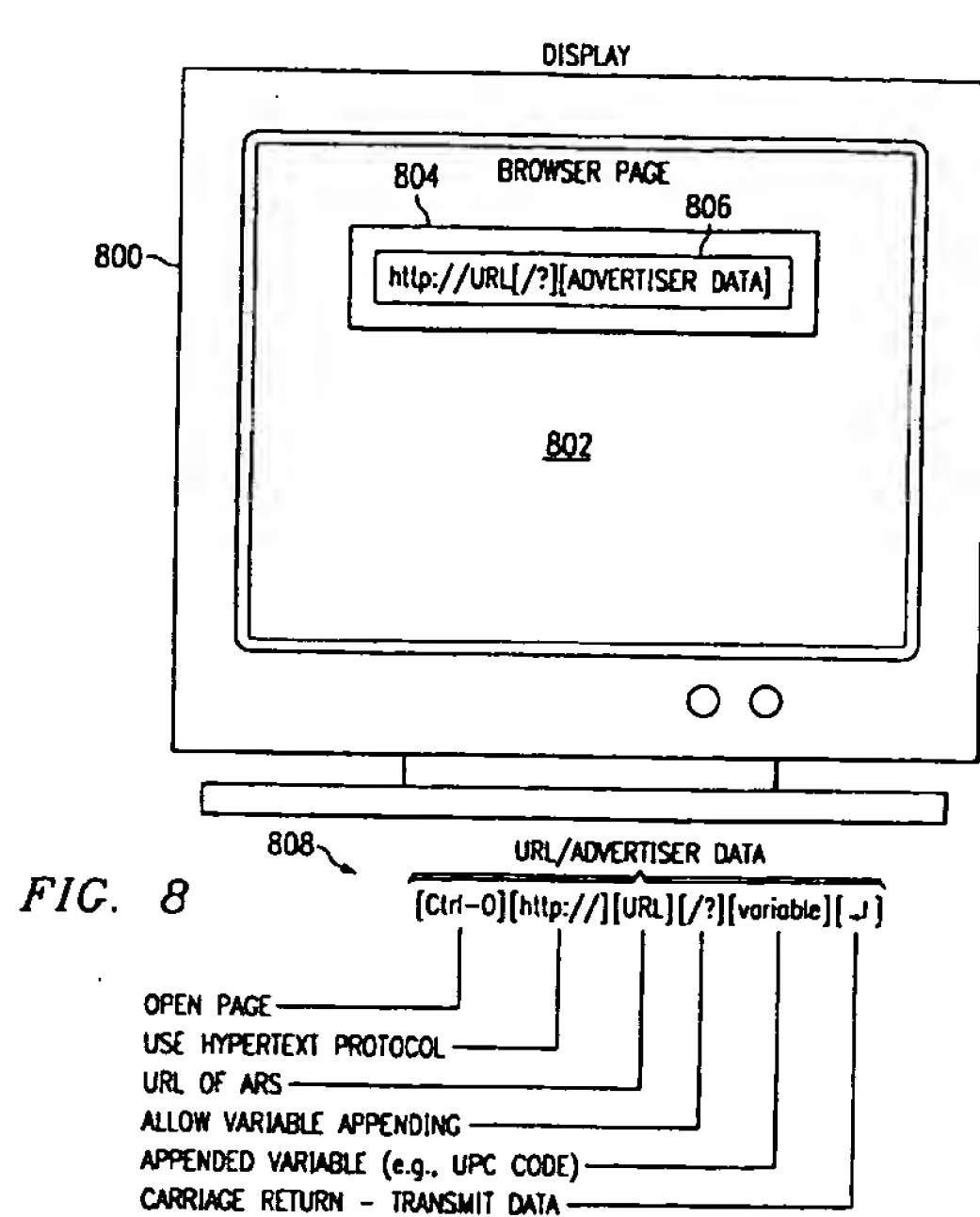
With respect to claim 18, the Office Action alleges that *Philyaw* teaches the invention as claimed, wherein "said URL comprises 'www.company identifier'.com/'item identifier,' and wherein said 'company identifier' comprises a number assigned by the uniform code council and said 'item identifier' comprises a number assigned by a manufacturer (Fig. 8, and col. 4, lines 25-28)." Applicants respectfully traverse the allegation above.

For the convenience of the Examiner, the cited portion of *Philyaw* is shown below:

> These documents and other Internet resources may be accessed across the network by means of a network addressing scheme which uses a locator referred to as a Uniform Resource Locator ("URL"), for example, "http://www.digital.com" (column 4, lines 25-28).

The above-cited portion of *Philyaw* fails to disclose any type of URL constructed as 'www.company identifier'.com/'item identifier.'

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With reference to *Philyaw* Figure 8, shown below, *Philyaw* is limited to disclosing:

DISPLAY

804   BROWSER PAGE
806
800~

http://URL[/?][ADVERTISER DATA]

802

O O

808~   URL/ADVERTISER DATA

FIG. 8   [Ctrl-O][http://][URL][/?][variable][↵]

OPEN PAGE ————————
USE HYPERTEXT PROTOCOL ————————
URL OF ARS ———
ALLOW VARIABLE APPENDING ————————
APPENDED VARIABLE (e.g., UPC CODE) ————————
CARRIAGE RETURN - TRANSMIT DATA ————————

The disclosed "Appended Variable" is limited to the "UPC code" in Figure 8. The disclosed URL 804 is limited to "http://URL[/?][ADVERTISER DATA]." In contrast, claim 18 recites a URL constructed as 'www.company identifier'.com/'item identifier', which is not the same as the *Philyaw* URLs illustrated in Figure 8.

However, before concluding that *Philyaw* fails to disclose a URL constructed as 'www.company identifier'.com/'item identifier,' as recited in claim 18, a closer inspection of *Philyaw* is required. *Philyaw*, discloses:

A method for controlling a computer is disclosed wherein one or more remote locations disposed on a network are accessed in response to scanning an optical code. A *first computer disposed on the network connects to a scanner for scanning the optical code of a product* by a user. The **scanner is** <u>uniquely identified</u> *with a scanner distributor by a scanner identification number.* A **second computer** *disposed on the network is accessed* in response to the user scanning the optical code with the scanner, *wherein a **lookup operation** is performed at the second computer to match the scanner identification number with the scanner distributor to obtain remote routing information* of the one or

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remote locations. The remote routing information *is returned from the second computer to the first computer* in order to access the one or more remote locations disposed on the network. The *one or more remote locations are accessed to return remote information to the first computer* for presentation (Abstract, emphasis added).

Clearly, the above-described *Philyaw* embodiment is quite different from an embodiment wherein the URL comprises the UCC company identifier and the UCC item identifier constructed as 'www.company identifier'.com/'item identifier' which is _directly_ determinable from the scanned barcode (or its equivalent), as recited in claim 18, where there is no need whatsoever to go to a second computer to access a lookup table.

Philyaw further discloses that:

> Advertisers may provide catalogs of advertisements or information in newspapers or periodicals where the user simply scans the bar code associated with the advertisement using the wand 1600 to obtain further information. There is provided a paper source 1602 having contained thereon an advertisement 1604 and an associated bar code 1606. (Note that the disclosed concept is not limited to scanning of bar codes 1606 from paper sources 1602, but is also operable to scan a bar code 1606 on the product itself. Also, the wand 1600 can be any type of device that will scan any type of image having information encoded therein.) (At column 14, lines 56-67.)

> A bar code scanning wand 1600 is provided by a wand distributor to customers and is associated with that distributor via a wand ID stored therein. The wand 1600 is either sold or freely distributed to customers for use with their personal computing systems. Since more and more products are being sold using bar codes, it can be appreciated that a user having the wand 1600 can scan bar codes of a multitude of products in order to obtain more information. Information about these products can be made immediately available to the user from the manufacturer for presentation by the user's computer 302. (At column 15, lines 47-59.)

> In operation, the product code of a product is provided in the form of a bar code 1606. This bar code 1606 is the 'link' to a product. The disclosed embodiment is operable to connect that product information contained in the bar code 1606 with a web page of the manufacturer of that product by utilizing the bar code 1606 as the product 'identifier.' The program operating on the PC 302 provides routing information to the ARS 308 after launching the browser on the PC 302 and connecting to the ARS 308 over the GCN 306, which ARS 308 then performs the necessary steps to cause the browser to connect to the manufacturer web site. (At column 15, line 66, through column 16, line 9.)

As noted above, the *Philyaw* system is using scanned bar code information to access a web page with product information. However, at issue is whether *Philyaw* specifically

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discloses, teaches, or suggests a URL wherein the UCC company identifier and the UCC item identifier are used to construct the URL as 'www.company identifier'.com/'item identifier,' as recited in claim 18.

In fact, *Philyaw* clearly fails to recognize that it is possible to access product information when URL is constructed from a barcode's UCC company identifier and UCC item identifier which forms the URL as 'www.company identifier'.com/'item identifier,' as recited in claim 18. *Philyaw* discloses that "the bar code 1606 by itself *is incompatible* with any kind of network for the purposes of communication therewith. It is primarily provided for a retail-type setting. Therefore, the *information contained in the bar code 1606, by itself, does not allow for anything other than identification of a product*, assuming that one has a database 1614 containing information as to a correlation between the product and the bar code 1606" (column 16, lines 12-19, emphasis added). Here, *Philyaw* is teaching away from the novel feature of URL wherein the UCC company identifier and the UCC item identifier constructed as 'www.company identifier'.com/'item identifier,' as recited in claim 18.

However, continuing with a detailed analysis of *Philyaw*, it is seen that a "wedge interface 1608 is *operable to decode the bar code 1606 to extract the encoded information* therein, and append to that decoded bar code information relating to an ID for the wand 1600. This *information is then forwarded to the ARS 308* by the resident program in the PC 302. This is facilitated by *intermediate routing information stored in the program* indicating to which node on the GCN 306 the scanned bar code information is to be sent, i.e., to the ARS 308" (column 16, lines 20-28). **_Two critical questions_**, when answered, will clearly distinguish embodiments of the present invention from *Philyaw*. First, what is the *Philyaw* ARS 308? That is, is the ARS 308 the same as a manufacturer URL? Second, precisely how is the information extracted from the bar code so as to construct a URL to provide access to the ARS (Advertiser Reference Server)?

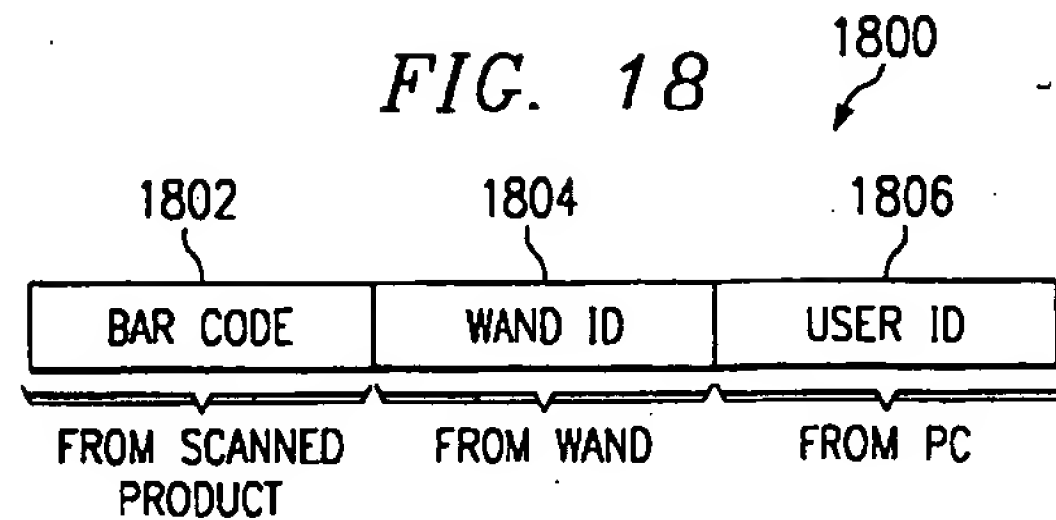Addressing the first issue, *Philyaw* discloses that:

> The audio signal 111 also comprises advertiser product information which is extracted and appended with URL information of an Advertiser Reference Server ('ARS') 308. The ARS 308 is a system disposed on the GCN 306 that is defined as the location to which data in the audio signal 111 is to be routed. As

such, data in the audio signal 111 *will always be routed to the ARS 308*, since a URL is unique on the GCN 306. *Connected to the ARS 308 is a database 310 of product codes and associated manufacturer URLs*. The database 310 undergoes a continual update process which is transparent to the user. As companies sign-on, i.e., subscribe, to this technology, manufacturer and product information is added to the database 310 without interrupting operation of the source PC 302 with frequent updates. When the *advertiser server address URL is obtained from the ARS database 310, it and the request for the particular advertiser product information are automatically routed* back through the web browser on PC 302, over to the respective advertiser server for retrieval of the advertiser product information to the PC 302. It should be noted that although the disclosed invention discusses a global communication network, the system is also applicable to LANs, WANs, and peer-to-peer network configurations. Additionally, the disclosed architecture is not limited to a single source PC 302, but may comprise a plurality of source PCs, e.g., PC 300 and PC 303. Moreover, a plurality of ARS 308 systems and advertiser servers 312 may be implemented, e.g., ARS 314, and advertiser server A 316, respectively." (At column 6, lines 12-39, emphasis added.)

Here, first accessing the ARS database 310 to obtain an advertiser server address URL is quite different from the novel feature of using the UCC company identifier and the UCC item identifier to construct the URL as 'www.company identifier'.com/'item identifier,' as recited in claim 18.

Philyaw discloses a packet that is communicated to the ARS 308 and that "the microcontroller 1700 performs this function after decoding this bar code information, and conversion of this bar code information into an appropriate stream of data which is comprised of the **bar code information and the appended URL**. This *appended URL will be pre-stored in the memory* 1702 and is programmable at the time of manufacture" (column 18, lines 7-13, emphasis added). "Referring now to FIG. 18, there is illustrated a sample message packet transmitted from the user's PC 302 to the ARS 308. The *message packet 1800 comprises* a number of bits of information including *the bar code information* 1802 obtained from the user scanning the bar code 1606 with the wand 1600; *the wand ID* 1804 which is embedded in a memory in the wand 1600 and identifies it with a particular wand distributor; and *a user ID* 1806 which is derived from the software running on the PC 302 and which identifies uniquely with the user location. Note that the message packet includes other necessary information for the proper transmission for point to point" (column 18, line 60, through column 18, line 4, emphasis added). For the convenience of the Examiner, Figure 18 is illustrated below.

FIG. 18   1800

1802   1804   1806

| BAR CODE | WAND ID | USER ID |

FROM SCANNED   FROM WAND   FROM PC
PRODUCT

The packet 1800 in Figure 18 contains barcode information, among other information of interest, that is communicated to the ARS 308. However, *Philyaw* Figure 18 does not show how information is extracted from a bar code to provide access to the ARS (Advertiser Reference Server) via a constructed URL.

Now addressing the second issue, *Philyaw* discloses that "if bar code information has been received, flow is to a function block 2302 where a *matching process occurs to link the bar-coded product information to its respective manufacturer.* The *ARS database 310 also associates the URL address of the manufacturer's server.* When a match is found, the ARS 308 begins to *assemble a message packet of information for transmission back to the PC* 302, as indicated in function block 2304. The *message packet contains the product information and the URL address of the manufacturer's website*" (column 21, lines 49-58, emphasis added). In contrast with the present invention, an embodiment that constructs "a URL from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier and the UCC item identifier constructed as 'www.company identifier'.com/'item identifier,'" as recited in claim 18, does not perform any matching process to link product information with a manufacturer, does not associate a URL address of the manufacturer's server from a database with product information, and does not construct a packet for sending back to the user from a remote site (ARS 308) that includes the URL address of the manufacturer's server and the product information. None of these processes are necessary when the URL is constructed directly from a "bar code, wherein a portion of said URL comprises the UCC company identifier and the UCC item identifier constructed as 'www.company

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identifier'.com/'item identifier,'" as recited in claim 18. Thus, *Philyaw* fails to disclose, teach, or suggest every element of the Applicants' claimed invention.

Nerlikar also fails to disclose, teach, or suggest at least the feature of "constructing a URL from the data read from the RF tag corresponding to the bar code, wherein a portion of said URL comprises the UCC company identifier and the UCC item identifier constructed as 'www.company identifier'.com/'item identifier,'" as recited in claim 18. *Nerlikar* does not disclose any information whatsoever regarding a barcode. Thus, *Nerlikar* fails to disclose, teach, or suggest every element of the Applicants' claimed invention.

When considered together, the proposed combination of *Philyaw* in view of *Nerlikar* does not teach at least the claimed limitations of claim 18, as amended, because neither reference individually teaches the recited features of claim 18. That is, a combination system of *Philyaw* modified by *Nerlikar* fails to disclose the recited features in claim 18. Therefore, a *prima facie* case establishing an obviousness rejection by *Philyaw* in view of *Nerlikar* has not been made. Thus, claim 18, as amended, is not obvious under proposed combination of *Philyaw* in view of *Nerlikar*, and the rejection should be withdrawn.

4. New Claims 31-49

New claims 31-49 are based on subject matter that is explicit and/or inherent within the description of the specification and/or the drawings. Applicants submit that no new matter has been added in the new claims 31-49 and that new claims 31-49 are allowable over the cited prior art. Therefore, Applicants request the Examiner to enter and allow the above new claims.

5. Conclusion

In light of the above amendments and remarks, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that all pending claims 18 and 31-49 are allowable. Applicants, therefore, respectfully request that the Examiner reconsider this application and timely allow all pending claims. The Examiner is encouraged to contact Mr. Armentrout by telephone to discuss the above and any

other distinctions between the claims and the applied references, if desired. If the Examiner

notes any informalities in the claims, he is further encouraged to contact Mr. Armentrout by

telephone to expediently correct such informalities.

                                        Respectfully submitted,

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